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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/802,376	
	Filing Date	March 9, 2001	
	First Named Inventor	Gary VAN NEST	
	Art Unit	1635	
	Examiner Name	J. Zara	
Total Number of Pages in This Submission	4	Attorney Docket Number	377882001700

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (3 pages) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	Karen R. Zachow, Ph.D.		
Date	January 14, 2005	Reg. No.	46,332

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
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Dated: January 14, 2005

Signature: _____

(Grace YU)

Docket No.: 377882001700
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gary VAN NEST et al.

Application No.: 09/802,376

Confirmation No.: 8397

Filed: March 9, 2001

Art Unit: 1635

For: IMMUNOMODULATORY FORMULATIONS
AND METHODS FOR USE THEREOF

Examiner: J. Zara

AMENDMENT IN RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Restriction Requirement dated December 16, 2004, for which a response is due on January 16, 2005. Accordingly, this response is timely filed.

ELECTION OF INVENTION

Claims 1-66 are pending in this application. Claims 12-55 have been withdrawn from consideration as being drawn to nonelected subject matter. Restriction has been required as between the following allegedly distinct groups of inventions:

Group I (claims 1, 2, 4, 6-11, 56, 57, 59, and 61-66): drawn to pharmaceutical compositions comprising a liquid, covalently linked, immunostimulatory polynucleotide/

microcarrier complex, classified in classes 424, 435, and 536, subclasses 1.53, 458, and 23.1, respectively;

Group II (claims 1, 3, 4, 6-11, 56, 58, 59, and 61-66): drawn to pharmaceutical compositions comprising a liquid, non-covalently linked, immunostimulatory polynucleotide/microcarrier complex, classified in classes 435 and 536, subclasses 458 and 23.1, respectively;

Group III (claims 1, 2, 5-11, 56, 57, and 60-66): drawn to pharmaceutical compositions comprising a solid, covalently linked, immunostimulatory polynucleotide/microcarrier complex, classified in classes 424, and 536, subclasses 1.53 and 23.1, respectively; and

Group IV (claims 1, 3, 5-11, 56, 58, and 60-66): drawn to pharmaceutical compositions comprising a solid, non-covalently linked, immunostimulatory polynucleotide/microcarrier complex, classified in classes 424, and 536, subclasses 1.53 and 23.1, respectively.

Applicants hereby elect Group III (claims 1, 2, 5-11, 56, 57, and 60-66) without traverse.

The Examiner states that claim 1 links inventions recited in claims 2, 3, 4, and 5 of Groups I, II, III, and IV. Applicants respectfully point out that claim 56 is also a linking claim with regard to claims 57, 58, 59, and 60 of Groups I, II, III, and IV. Upon allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn. Any claims directed to the nonelected inventions depending from or including all the limitations of the allowable linking claim must be rejoined and fully examined for patentability. M.P.E.P. §809.

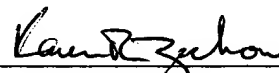
Applicants expressly reserve their right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicants request examination of the elected subject matter on the merits.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 377882001700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 14, 2005

Respectfully submitted,

By 
Karen R. Zachow, Ph.D.

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